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Environmental  
Protection

# California Regional Water Quality Control Board

## Los Angeles Region

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Gray Davis  
Governor

Paul J. Costa  
Boeing Company  
P.O. Box 7922  
Canoga Park, CA 91309-7299

### CONDITIONAL CERTIFICATION FOR PROPOSED HAPPY VALLEY PERCHLORATE INTERIM MEASURES PROJECT (Corps' Project No. 2003-01317- AJS), UNNAMED TRIBUTARY TO DALTON CREEK, CITY OF SIMI HILLS, LOS ANGELES COUNTY (File No. 03-118)

Dear Mr. Costa:

Regional Board staff has reviewed your request on behalf of Boeing Company for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on September 11, 2003.

I hereby certify that any discharge from the Happy Valley Perchlorate Interim Measures Project, as proposed and described in Attachment A, if performed in accordance with all applicable water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region* (1994), and in accordance with the conditions specified in Attachment B, will comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act.

The Applicant shall be liable civilly for any violations of this certification in accordance with the California Water Code. This certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this certification action, please contact Valerie Carrillo, Lead, Section 401 Program, at (213) 576-6759.

\_\_\_\_\_[Original signed by]\_\_\_\_\_  
Dennis A. Dickerson  
Executive Officer

\_\_\_\_\_[September 27, 2003]\_\_\_\_\_  
Date

### California Environmental Protection Agency

\*\*\*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption\*\*\*  
\*\*\*For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>\*\*\*



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Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

## **DISTRIBUTION LIST**

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## ATTACHMENT A

### Project Information File No. 03-118

1. Applicant: Paul J. Costa  
Boeing Company  
P.O. Box 7922  
Canoga Park, CA 91309-7299  
  
Phone: (818) 586-9177      Fax: (818) 586-5889
2. Applicant's Agent: Dixie Hambrick  
MWH  
300 N. Lake Avenue, Suite 1200  
Pasadena, CA 91101  
  
Phone: (626) 568-6348      Fax: (626) 568-6515
3. Project Name: Happy Valley Perchlorate Interim Measures
4. Project Location: Simi Hills, Los Angeles County  
  
Longitude: 118° 40.690' W  
Latitude: 34° 14' N
5. Type of Project: Soil remediation
6. Project Description: *Purpose:*  
The purpose of the project is to remediate soils, sediments and/or bedrock in the Happy Valley drainage in order to ensure surface water discharge from the site will achieve proposed water quality objectives for perchlorate.  
  
*Description:*  
The proposed work to remediate perchlorate-impacted soil, sediment and/or exposed bedrock in the Happy Valley drainage must be implemented to satisfy requirements established by the California Environmental Protection Agency and the Los Angeles Regional Water Quality Control Board.

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Remediation activities need to be completed prior to the winter 2003/04 rainy season in order to ensure compliance with the proposed water quality objectives.

The remediation will involve the removal of the impacted sediments and potentially bedrock and transport of the material for in place (in situ) treatment by enhanced bioremediation. The area to be excavated in the Happy Valley drainage will be lightly sprayed with water prior to excavation in order to minimize dust. Once the soils have been removed and/or remediated in the intermittent drainage, potable water will be introduced into the channel to simulate rain events and to sample surface water runoff for perchlorate impacts. Disturbance of the banks of the drainage will be minimized as much as possible during removal and replacement activities. The proposed project will temporarily impact approximately 0.91 acres of waters of the United States. Compensatory mitigation for temporary impacts to jurisdictional waters will consist of the protection of the drainage through erosion control measures, removal of temporary retention structures and potential catchment basins, and revegetation by seeding with native forbs and grasses. Mitigation has been proposed at a ratio of 3:1 for temporary impacts.

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|---|---|
| 7. Federal<br>Agency/Permit:  | U.S. Army Corps of Engineers<br>NWP No. 38 (Permit No. 2003-01317-AJS)  |
| 8. Other Required<br>Regulatory Approvals:                          | California Department of Fish and Game<br>Streambed Alteration Agreement  |
| 9. California<br>Environmental Quality<br>Act (CEQA)<br>Compliance: | The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15061(b)(3) (Review for Exemption). |
| 10. Receiving Water:  | Unnamed tributary to Dayton Creek (Hydrologic Unit No. 403.67)  |

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- |  |   |
|--|---|
| 11. Designated Beneficial Uses:                                      | MUN, IND, GWR, FRSH, REC-1, REC-2, WARM, WILD   |
| 12. Impacted Waters of the United States:                            | Non-wetland waters (vegetated streambed): 0.01 temporary acres<br>Non-wetland waters (unvegetated streambed): 0.90 temporary acres  |
| 13. Dredge Volume:   | None  |
| 14. Related Projects Implemented/to be Implemented by the Applicant: | <p>An Interim Measures removal action was conducted in 1999 on a 29-acre area on the Santa Susana Field Laboratory, Area 1, and included portions of the Happy Valley drainage and Building 359 sites. The work was part of the RCRA Corrective Action program. The primary purpose of the work was to identify and remove suspect energetic and/or ordinance items. The DTSC has issued a Notice of Exemption on September 22, 2003, for the project. No sensitive plants or animals were impacted by the project and the project area was revegetated and returned to the original condition.</p> <p>No future projects are planned in the Happy Valley drainage of the project site.</p> |
| 15. Avoidance/Minimization Activities:                               | <p>The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:</p> <ul style="list-style-type: none"><li>• For all field activities, surface disturbance will be minimized as much as possible;</li><li>• Disturbed areas will be restored and hydroseeded as necessary;</li><li>• Small check dams as well as rice straw waddles or bales will be placed along the drainage channel and below the affected exposed bedrock areas to contain runoff during remediation, as necessary;</li><li>• Treatment of the bedrock will not impact areas of known sensitive plants or animals;</li></ul>                                 |

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- Covering and capping of bedrock would require applying an impermeable tarp to perchlorate-affected bedrock in order to minimize the amount of perchlorate-contaminated runoff;
- Disturbance of the banks of the drainage will be minimized as much as possible during removal and replacement activities;
- Erosion control measures will follow the Project Storm Water Pollution Prevention Plan; and
- Re-routing the drainage around the exposed bedrock would entail installation of rice straw or hay bales or booms, sand bags and tarp, and/or other barriers to surface water flow including check dams below the affected exposed bedrock areas.

16. Proposed  
Compensatory  
Mitigation:

Compensatory mitigation for temporary impacts to jurisdictional waters will consist of the protection of the drainage through erosion control measures, removal of temporary retention structures and potential catchment basins, and revegetation by seeding with native forbs and grasses.

It is proposed that loss of riparian species will be replaced at a 3:1 ratio to mitigate for temporary impacts. The mitigation plan will include description of areas for specific mitigation plantings, the area extent of plantings, and the density and diversity of species of the plantings. The plan will also include a mitigation-monitoring program that will help ensure mitigation success. This plan will establish program success criteria and objectives to ensure program success.

## ATTACHMENT B

### Conditions of Certification File No. 03-118

#### STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

#### ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the state.**
2. The Applicant and all contractors employed by the Applicant shall have copies of this certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times so they are familiar with all conditions set forth.
3. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the state. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the state.

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### Conditions of Certification File No. 03-118

4. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the state.
5. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
6. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
7. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
8. The Applicant shall not conduct any construction activities within waters of the state during a rainfall event. The Applicant shall maintain **a five-day (5-day) clear weather forecast** before conducting any operations within waters of the state.
9. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.



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10. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
11. The Applicant shall restore all areas of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the state. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species to the extent feasible. The Applicant shall implement appropriate Best Management Practices to control erosion and runoff from areas associated with this project.
12. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporal loss of **0.91 acres** waters of the United States by creating or restoring riparian habitat at a minimum 1:1 area replacement ratio (0.91 acres). This restoration shall include riparian vegetation replacement at a 3:1 ratio.
13. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board when finalized.
14. The Applicant shall submit Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project area. Additionally, the Applicant shall submit a site description, including dimensions of project areas, and pre and post- project photographs.

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15. The project proponent shall submit an **Annual Report** by **January 1 each year**. The report shall describe in detail all activities actually performed during the previous year within the project area. This report shall include as a minimum, the following documentation:
  - (a) Color aerial and representative cross-section photo documentation of the pre- and post-project conditions;
  - (b) The overall status of project including a detailed schedule of work;
  - (c) Water quality monitoring results compiled in an easy to interpret format; and
  - (d) A certified statement from the permittee or his/her representative that all conditions of this certification have been met.
16. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** by **January 1<sup>st</sup>** of each year documenting all restoration and mitigation efforts, including, percent survival by plant species and percent cover. The reports shall include discussion of any monitoring activities and exotic plant control efforts. Representative pre and post photographs from designated stations shall be included in the reports. The reports shall be submitted by **January 1<sup>st</sup>** of each year for a minimum period of **five (5) years** after planting or until mitigation success has been achieved.
17. All applications, reports, or information submitted to the Regional Board shall be signed:
  - (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates;
  - (b) For a partnership, by a general partner;
  - (c) For a sole proprietorship, by the proprietor;
  - (d) For a municipal, state, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

**Conditions of Certification**  
**File No. 03-118**

- "I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed they system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

\_\_\_\_\_(Signature)  
\_\_\_\_\_(Title)''

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## ATTACHMENT B

### Conditions of Certification File No. 03-118

23. The Applicant or their agents shall report any noncompliance, which may endanger health or the environment. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
24. *Enforcement:*
- (a) In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
  - (b) In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (SWRCB) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
  - (c) In response to any violation of the conditions of this certification, the SWRCB may add to or modify the conditions of this certification as appropriate to ensure compliance.
25. This certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this certification if renewal is requested.